

REMARKS

Applicants have studied the Office Action dated January 3, 2006, and have made amendments to the claims. Claims 1 and 7-12 have been amended. Claims 20-42 are new. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,239,269 to Chiang (hereinafter "Chiang"). This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

As amended, the invention defined by claim 1 is a locking mechanism comprising at least one spring loaded locking member, wherein a first locking leg is formed on the locking member for engaging a first surface of the latching member and a second locking leg is formed on the locking member for contacting a second surface of the locking member, wherein when the at least one spring loaded locking member is moved against its spring bias, the second locking leg pushes the second surface of the at least one latching member to disengage the at least one latching member from the at least one spring loaded locking member.

A similar locking mechanism, including all of the elements recited in claim 1, is not identically disclosed in Chiang. Specifically, there is no disclosure in Chiang of a combination including first and second locking legs on a locking member. Accordingly, it is respectfully submitted that claim 1 is allowable over Chiang. Furthermore, because claim 2 depends from claim 1, it is respectfully submitted that claim 2 is also allowable.

Rejections under 35 U.S.C. § 103

Claims 3-6, 8-10 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of U.S. Patent No. 6,549,791 to Jeon et al. (hereinafter "Jeon et al."). This rejection is respectfully traversed.

As previously asserted, independent claim 1 is allowable over Chiang. Also, it is respectfully submitted that Jeon et al. fails to cure the deficiencies of Chiang with respect to at least one spring loaded locking member having first and second locking legs, wherein when the at least one spring loaded locking member is moved against its spring bias, the second locking leg pushes a second surface of at least one latching member to disengage the at least one latching member from the at least one spring loaded locking member.

Therefore, it is respectfully asserted that independent claim 1 is allowable over the combination of Chiang and Jeon et al. Furthermore, it is respectfully asserted that claims 3-6, 8-10 and 19, which depend either directly or indirectly from claim 1, are also allowable over the cited references.

Claims 7, 9, 11, 13-14 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of U.S. Patent No. 6,660,427 to Hukill et al. (hereinafter "Hukill et al."). Claims 8, 10, 12, 15-16 and 18 were also rejected under § 103(a) as being unpatentable over Chiang in view of Jeon et al. as applied to claim 3 above, and further in view of Hukill et al. These rejections are respectfully traversed.

As previously stated, the invention defined by amended claim 1 is a locking mechanism comprising at least one spring loaded locking member, wherein a first locking leg is formed on the locking member for engaging a first surface of the latching member and a second locking leg is formed on the locking member for contacting a second surface of the locking member, wherein when the at least one spring loaded locking member is moved against its spring bias, the second locking leg pushes the second surface of the at least one latching member to disengage the at least one latching member from the at least one spring loaded locking member.

Applicants respectfully submit that any rejection of amended claim 1 in view of the combination of Chiang and Hukill et al., or Chiang, Jeon et al. and Hukill et al. is improper.

Applicants respectfully recognize that the examiner cites Hukill et al. to cure the deficiencies of Chiang with respect to a locking member having two legs, as in the present invention. However, Applicants respectfully submit that one of ordinary skill in the art would have no motivation to combine Chiang and Hukill et al. It is well-settled that a reference must provide some motivation or reason for one skilled in the art (working without the benefit of the applicants' specification) to make the necessary changes in the disclosed device. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference expressly or impliedly teaches or suggests the desirability of the modification. In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984); Ex parte

Clapp, 227 USPQ 972, 973 (Bd. App. 1985); Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. App. 1984).

Chiang discloses a luggage lock comprising a latching member 4 and a spring-loaded locking member (30, 35), wherein a single leg of the locking member engages a surface of the latching member. Notably, the spring-loaded locking member has a perpendicular orientation with respect to the position of the latching member (see Fig. 4 of Chiang). Thus, the locking member of Chiang is moved against its spring bias perpendicularly to the latching member when engaging and disengaging the latching member.

Hukill et al. discloses a latch assembly comprising a latching member 200 and a spring-loaded locking member 70, wherein the locking member includes two legs for contacting surfaces of the latching member. In contrast to Chiang, the locking member of Hukill et al. has a parallel orientation with respect to the position of the latching member (See Figs. 11 and 12 of Hukill et al.). Thus, the locking member of Hukill et al. is moved against its spring bias in parallel to the latching member when engaging and disengaging the latching member.

Applicants respectfully submit that because of the differing positional orientations of the locking members of Chiang and Hukill et al., one of ordinary skill in the art working without the benefit of the applicants' specification, would have no motivation to combine Chiang and Hukill et al. The luggage lock of Chiang is used for locking together two shells of a luggage case, wherein a latching member 8 of an upper shell 2 is insertable into a hook hole 7 of a lower shell 3. A button-lock 4 is formed on a front wall of the lower shell 3 for manipulating the perpendicularly-oriented locking member to engage and disengage the latching member 8 when the latching member 8 is inserted in the hook hole 7. As shown in the reference, the structure of the luggage lock of Chiang is well-defined and does not allow for a locking member having a parallel orientation with respect to the latching member 8, as disclosed in Hukill et al. Accordingly, one of ordinary skill in the art would have no motivation to combine Chiang and Hukill et al. because doing so would require a complete reconstruction of the invention disclosed in Chiang.

Furthermore, applicants respectfully submit that even if Chiang and Hukill et al. could be combined, the references in combination do not disclose the invention of amended claim 1. On page 6, line 20 to page 7, line 2 of the Office Action, the examiner combines Hukill et al. and Chiang to reject claim 18 to show that a second surface of a second locking leg pushes a latching member out of a spacing by sliding down a surface of the latching member until the rounded edges of both surfaces initiate separation of the locking and latching member. However, Applicants respectfully disagree that the second locking leg of Hukill et al. pushes the

latching member to disengage the latching member from the locking member, as recited in amended claim 1.

As shown in Figs. 11 and 12 of Hukill et al., the latching member 200 is part of the portable electronic device, and therefore remains stationery when the locking member 70 is moved to engage and disengage the latching member 200. Accordingly, when the locking member disengages from the latching member, the second locking leg slides away from the latching member. During this event, there is no movement of the latching member 200 nor is there any pushing force being exerted upon the latching member from the second locking leg. Therefore, Hukill et al. does not teach a second locking leg pushing a latching member to disengage the latching member from the locking member, as recited in amended claim 1.

In view of the above, it is respectfully submitted that the Chiang, Jeon et al. and Hukill et al. references, either alone or in combination, do not teach or suggest the invention defined by amended claim 1. It is also respectfully submitted that claims 2-19, by virtue of their dependency to claim 1, are also allowable over the cited references.

New Claims

With this paper, claims 20-42 have been added. Accordingly, it is respectfully submitted that claims 20-42 are allowable over the prior art.

CONCLUSION

In light of the above remarks, applicants submit that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.



Respectfully submitted,

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